

CALIFORNIA STATE PERSONNEL BOARD MEETING  
801 Capitol Mall  
Sacramento, California

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Public Session Location - Room 150  
Closed Session Location - Room 141

MID-MONTH BOARD MEETING MINUTES

JULY 18, 2000

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

1. ROLL CALL

BOARD MEMBERS PRESENT:

Florence Bos, President  
Ron Alvarado, Vice President  
William Elkins, Member

2. REPORT OF THE EXECUTIVE OFFICER - Walter Vaughn

The Board was advised of the following:

- A. The Board will formally open its Sacramento computerized testing center on August 1, 2000. The Center will initially provide continuous testing for the Staff Services Analyst and Office Assistant classes. Candidates will be able to file applications and schedule themselves for these tests.
- B. The Board will co-sponsor a celebration on July 26, 2000 recognizing the 10-year anniversary of the enactment of the Americans with Disabilities Act.

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- C. A hearing on Proposition 35, the Engineer and Architectural initiative will be scheduled for the August 1, 2000 Board meeting.
- D. State Personnel Board staff met with representatives of General Services, Finance, Agency and the Governor's Office to discuss implementation of recent legislation requiring state contractors to provide certain benefits to janitors, gardeners, food service and laundry workers.

3. REPORT OF THE CHIEF COUNSEL - Elise Rose

The Chief Counsel reported on:

Litigation:

- A. Burton Lynch v. State Personnel Board - Superior Court dismissed the case challenging a Board decision in a disciplinary case for failure to properly serve the State Personnel Board within one year.

Other:

- A. PERS Disability Task Force - Bruce Monfross attended the most recent meeting and reports that a subcommittee is being formed to study options for departments once PERS denies disability retirement.
- B. Survey of Intellectual Property - The Board has been asked to respond to a survey of the Board's intellectual property by the Bureau of State Audits.

4. REPORT ON LEGISLATION - Judy Balmain

The Board was advised of the following:

- A. AB 2222 (Kuehl) - Clarifies the definitions of "mental disability", "physical disability" and "medical condition." The bill as amended July 6, 2000, addresses the Board's concerns; the Board's position is now neutral.
- B. AB 2304 (Davis) - Consolidates the provisions in the Public Contract Code governing personal services

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contracts. The bill as amended June 7, 2000 addresses the Board's concerns; the Board's position is now neutral.

- C. SB 402 (Burton) - Provides for final and binding arbitration of disputes regarding wages, hours, and other terms and conditions of employment for local firefighter and law enforcement employees. Informational status.
- D. State Personnel Board staff is working on 2001 legislative proposals which will be presented to the Board for review at the October 3-4, 2000 Board meeting.

#### BOARD ACTIONS

5. STATE PERSONNEL BOARD SUMMARY MINUTES OF JULY 6, 2000

ACTION: Adopted on July 18, 2000.

VOTE: Bos, Alvarado, Elkins - Aye.

6. ADMINISTRATIVE LAW JUDGE CASES

On July 18, 2000, the Board adopted the following decisions presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Bos, Alvarado, Elkins - Aye.

#### CHIEF COUNSEL RESOLUTION

APPEAL OF THE INTERNATIONAL UNION OF OPERATING ENGINEERS (IUOE) FROM THE EXECUTIVE OFFICER'S APPROVAL OF CALIFORNIA SCIENCE CENTER'S (CSC) COST-SAVINGS CONTRACT FOR EXPOSITION PARK GROUNDS MAINTENANCE PURSUANT TO GOVERNMENT CODE § 19130 (a). (Hearing held May 2, 2000).

ACTION: On July 18, 2000, Board adopted resolution that this matter be referred to an Administrative Law Judge for assignment of hearing

#### PROPOSED DECISIONS

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ROBERT M. SCHOPPMAN, CASE NO. 99-4853  
Appeal from twenty-four working hours suspension  
California State University, Los Angeles  
ACTION: Suspension revoked

TERRANCE V. WILSON, CASE NO. 00-0836  
Appeal from dismissal  
Department of Corrections  
ACTION: Administrative Law Judge's proposed decision  
rejected by Board. Board to decide case itself

BILLY GENE TAYLOR, CASE NO. 00-0520  
Appeal from dismissal  
Department of Corrections  
ACTION: Administrative Law Judge's proposed decision  
rejected by Board. Board to decide case itself

ROBERT D. STAVISKI, CASE NO. 00-1028  
Appeal from 5 percent reduction in salary for 6 months  
Department of Corrections  
ACTION: Reduction in salary modified to 5 Percent for 4  
months

DONNA JEAN ROBERTSON, CASE NO. 00-1029  
Appeal from termination with fault  
Department of General Services  
ACTION: Termination with fault dismissed

FAY SOOHOO, CASE NO. 99-2983  
Appeal from 15 working days suspension  
California State University, Los Angeles  
ACTION: Suspension sustained

MARISOL TIRADO, CASE NO. 00-0580  
Appeal from dismissal  
Department of Corrections  
ACTION: Dismissal revoked

JOHN PADILLA, CASE NO. 00-0913  
Appeal from official reprimand  
Department of Corrections  
ACTION: Official reprimand revoked

DONALD FOLKMAN, CASE NO. 00-0419

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Appeal from 10 percent reduction in salary for 12 months  
Department of Corrections

ACTION: Board adopted findings of fact, but modified  
penalty to official reprimand

DORVALINA B. DURAN, CASE NO. 00-1227

Appeal from rejection  
Department of Motor Vehicles

ACTION: Rejection set aside

CAROLE L. FOWLER, CASE NO. 99-2614

Appeal from constructive medical demotion  
22nd District Agricultural Association

ACTION: Constructive medical demotion set aside and restored  
appellant to position of Senior Maintenance Worker

LAURA E. CASSWELL, CASE NO. 00-0262

Appeal from dismissal  
Department of Water Resources

ACTION: Dismissal sustained

MARK SPECTOR, CASE NO. 00-0363

Appeal from dismissal  
Department of Developmental Services

ACTION: Dismissal sustained

LINDA CHMIELEWSKI, CASE NO. 00-0378

Appeal from 3 working days suspension  
State Water Resources Control Board

ACTION: Suspension modified to official reprimand

#### PETITIONS FOR REHEARING

DENNIS W. BEAMAN, CASE NO. 99-4790P

Appeal from 5 days suspension  
Health and Welfare Data Center

ACTION: Petition for rehearing filed by appellant denied

DIANE KING, CASE NO. 99-5003

Appeal from dismissal  
Department of Developmental Services

ACTION: Petition for rehearing filed by appellant denied

CHRISTINE FEARING, CASE NO. 99-4814

Appeal from constructive medical termination  
California State University, Northridge

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ACTION: Petition for rehearing filed by appellant denied

7. RESOLUTION RE NOTICE OF GOVERNMENT CODE SECTION 18671.1  
EXTENSION.

ACTION: See pages 14-17

8. MISCELLANEOUS APPEALS DIVISION CASES  
Withholds, Voided Appointments, Rule 211 Appeals, Petitions  
for Rehearing)  
On July 18, 2000, the Board adopted the following decisions  
presented by Linda Brooks, Assistant Executive Officer,  
California State Personnel Board.  
VOTE: Bos, Alvarado, Elkins - Aye.

WITHHOLD DENIAL CASES

- A. WAYNE L. DEATS III, CASE NO. 99-5198  
Classification: Correctional Officer  
ACTION: DENIED
- B. JEREMY THOMAS DELPH, CASE NO. 99-4896  
Classification: Correctional Officer  
ACTION: DENIED
- C. WARREN GAINES, CASE NO. 99-4909  
Classification: Correctional Officer  
ACTION: DENIED
- D. TIMOTHY GRIFFIN, CASE NO. 99-5046  
Classification: Youth Correctional Counselor  
ACTION: PULLED FOR RECONSIDERATION
- E. PAUL D. HALLERBERG, CASE NO. 99-5039  
Classification: Correctional Officer  
ACTION: DENIED
- F. PAULA JAYE HOGAN, CASE NO. 00-0534  
Classification: Parole Agent I, Adult Parole  
ACTION: DENIED
- G. BRIAN R. HOYLE, CASE NO. 99-4483

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Classification: Correctional Officer  
ACTION: DENIED

H. ROCHELLE QUENEMOEN, CASE NO. 99-4898  
Classification: Parole Agent I, Adult Parole  
ACTION: DENIED

I. AUDIE D. RODRICKC, CASE NO. 99-4889  
Classification: Medical Technical Assistant, CF  
ACTION: DENIED

J. ARLYNNE SANGALANG, CASE NO. 99-1742  
Classification: Staff Services Analyst (G)  
ACTION: DENIED

K. LINDSEY SMITH, CASE NO. 99-5227  
Classification: Correctional Officer  
ACTION: DENIED

DISMISSAL CASE

L. JEANETTE RUSSELL, CASE NO. 99-3172  
Classification: Correctional Officer  
ACTION: DISMISSED

9. MEDICAL APPEALS

On July 18, 2000, the Board adopted the following decisions presented by Linda Brooks, Assistant Executive Officer, California State Personnel Board.

VOTE: Bos, Alvarado, Elkins - Aye.

DISMISSAL CASE

A. VALERIE J. BRADFORD, CASE NO. 00-1437  
Classification: Parole Agent 1, Adult Parole  
ACTION: DISMISSED

10. EXAMINATION APPEALS

On July 18, 2000, the Board adopted the following decisions presented by Linda Brooks, Assistant Executive Officer, California State Personnel Board.

VOTE: Bos, Alvarado, Elkins - Aye.

- A. RHONDA BECKWITH, CASE NO. 99-1694  
Final Filing Date: November 21, 1998  
Examination: Written Test and Video Test  
Class: Motor Vehicle Field Representative  
Testing Agency: Department of Motor Vehicles  
Appeal Received: April 24, 1999  
ACTION: GRANTED
- B. CARLENA DARRIEULAT, CASE NO. 98-4780  
Final Filing Date: October 22, 1998  
Examination: Written Examination  
Class: Transportation Engineering Technician  
Testing Agency: Department of Transportation  
Appeal Received: November 12, 1998  
ACTION: GRANTED
- C. STEVE STERLING, CASE NO. 00-1205  
Final Filing Date: Continuous filing  
Examination: Qualifications Appraisal  
Class: Psychiatric Technician  
Testing Agency: Department of Developmental Services  
Appeal Received: April 17, 2000  
ACTION: DENIED

11. REQUEST TO FILE CHARGES CASES

On July 18, 2000, the Board took the following actions presented by Linda Brooks, Assistant Executive Officer, California State Personnel Board.

VOTE: Bos, Alvarado, Elkins - Aye.

- A. DWAYNE HALLIBURTON, CASE NO. 99-0040  
Classification: Correctional Officer  
ACTION: DENIED

12. NON-HEARING CALENDAR



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On July 18, 2000, the Board adopted items A,C & D. Item B was withdrawn. These items were presented by Walter Vaughn, Executive Officer, California State Personnel Board.

VOTE: Bos, Alvarado, Elkins - Aye.

A. HEAVY EQUIPMENT MECHANIC APPRENTICE

The Department of Transportation proposes to revise the minimum qualifications of the Heavy Equipment Mechanic Apprentice, Caltrans specification and to update the language.

B. WITHDRAWN

C. CUSTOMER SERVICE SPECIALIST, FRANCHISE TAX BOARD (FTB)

The Franchise Tax Board proposes an amended resolution for the Customer Service Specialist, FTB, adopted by the Board on April 18, 2000.

D. CARMEL HIGHLANDS FIRE PROTECTION DISTRICT EMPLOYEES

The Department of Forestry and Fire Protection proposes an amendment to the prior Board action to transfer into state service the Carmel Highlands Fire Protection District employees.

13. STAFF CALENDAR ITEMS FOR BOARD INFORMATION

The staff has approved the following actions:

A. STATE FAIR POLICE OFFICER (SEASONAL)

The Department of Personnel Administration and California Exposition and State Fair proposes correction and deletion of incorrect footnotes associated with the non-testing classification of State Fair Police Officer (Seasonal).

ACTION: Noted

14. CAREER EXECUTIVE ASSIGNMENT (CEA) CATEGORY ACTIVITY

A. REQUESTS TO ESTABLISH NEW CEA POSITIONS CURRENTLY UNDER CONSIDERATION

(1) CHIEF DEPUTY DIRECTOR

The Department of Managed Care proposes to allocate the above position to the CEA category. The position will be responsible for the day-to-day operations of the department to ensure that all policies and operations support its mission to work toward an accountable and viable managed care delivery system that promotes healthier Californians. The department indicates that the position will be at the first organizational level and will report to the Director.

(2) TECHNOLOGY DEVELOPMENT & OPERATIONS SECTION  
MANAGER

The Board of Equalization proposes to allocate the above position to the CEA category. The position will be directly responsible for policy development, technical implementation, and maintenance support of the Board of Equalization's new information technology architecture, including issues related to design, technical integration, on-going support and modification of the Board of Equalization's information systems. The Board of Equalization indicates that the position will be at the third organizational level and will report to the Chief, Technology Services Division.

(3) CHIEF, OFFICE OF HEALTH PLAN OVERSIGHT

The Department of Managed Care proposes to allocate the above position to the CEA category. The position will be responsible for managing and directing the statewide activities of the Office of Health Plan Oversight and is charged with ensuring that all managed care health plans in California are in compliance with all licensing requirements and meet specific standards for financial integrity, viability and health care delivery. The department indicates that the position will be at the second organization level and will report to the Directorate.

B. EXECUTIVE OFFICER DECISIONS REGARDING REQUESTS TO  
ESTABLISH NEW CEA POSITIONS

(1) CHIEF DEPUTY DIRECTOR

The Department of General Services' proposal to allocate the above position to the CEA category has been approved effective June 15, 2000.

- (2) CHIEF, DIVISION OF FINANCIAL OVERSIGHT  
The Department of Managed Care's proposal to allocate the above position to the CEA category has been approved effective June 21, 2000.
- (3) ASSISTANT EXECUTIVE DIRECTOR, ADMINISTRATION  
The San Francisco Bay Conservation and Development Commission's proposal to allocate the above position to the CEA category has been disapproved.
- (4) CHIEF, GRANT SERVICES DIVISION  
The California Student Aid Commission's proposal to allocate the above position to the CEA category has been approved effective 6/22/00.
- (5) CHIEF, OFFICE OF INFORMATION TECHNOLOGY AND QUALITY MANAGEMENT  
The Department of Parks and Recreation's proposal to allocate the above position to the CEA category has been approved effective 6/22/00.
- (6) DEPUTY DIRECTOR, OFFICE OF LEGAL SERVICES  
The Department of Child Support Services' proposal to allocate the above position to the CEA category has been approved effective 6/22/00.

C. REQUESTS TO REFILL CEA POSITIONS ESTABLISHED BETWEEN 6/30/95 AND 1/1/99

- (1) CHIEF, CHANGE MANAGEMENT OFFICE  
The California Public Employees' Retirement System is requesting to refill the above position.
- (2) DEPUTY DIRECTOR  
The Health and Human Services Data Center is requesting to refill the above position.

D. EXECUTIVE OFFICER DECISIONS REGARDING REQUESTS TO REFILL CEA POSITIONS ESTABLISHED BETWEEN 6/30/95 AND 1/1/99

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- (1) ASSISTANT DIVISION CHIEF, PLANNING AND TECHNICAL  
SUPPORT DIVISION

The Air Resources Board's request to refill the  
above position has been approved effective June  
15, 2000.

- (2) DISTRICT DIRECTOR (INLAND EMPIRE SERVICE DISTRICT)

The California Conservation Corps' request to  
refill the above position has been disapproved.

- (3) ASSISTANT DIRECTOR, PUBLIC AFFAIRS OFFICE

The California Integrated Waste Management Board's  
request to refill the above position has been  
approved effective June 22, 2000.

ACTION: Noted

A D J O U R N M E N T

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SUBMITTED

1. APPEAL OF THE INTERNATIONAL UNION OF OPERATING ENGINEERS (IUOE) FROM THE EXECUTIVE OFFICER'S APPROVAL OF CALIFORNIA SCIENCE CENTER'S (CSC) COST-SAVINGS CONTRACT FOR EXPOSITION PARK GROUNDS MAINTENANCE PURSUANT TO GOVERNMENT CODE § 19130 (a). (Hearing held May 2, 2000).

ACTION: On July 18, 2000, Board adopted resolution that this matter be referred to an Administrative Law Judge for assignment of hearing.

VOTE: Bos, Alvarado, Elkins - Aye.

2. AARON TUTER, CASE NO. 99-3383. Appeal from dismissal. Department of Corrections. (Oral argument held June 6, 2000).

NO ACTION

3. PRE-EMPLOYMENT DRUG TESTING FOR THE FOLLOWING CLASSES BY THE DEPARTMENT OF DEVELOPMENTAL SERVICES:  
NURSE PRACTITIONER (FORENSIC FACILITY)  
REGISTERED NURSE (FORENSIC FACILITY)  
SUPERVISING REGISTERED NURSE (FORENSIC FACILITY)  
NURSE PRACTITIONER (SAFETY)  
TEACHER, STATE HOSPITAL (SEVERELY HANDICAPPED-DEVELOPMENTALLY DISABLED - SAFETY)  
VOCATIONAL INSTRUCTOR (CARPENTRY - SAFETY)  
VOCATIONAL INSTRUCTOR (LANDSCAPE GARDENING - SAFETY)  
VOCATIONAL INSTRUCTOR (UPHOLSTERING - SAFETY)  
INDUSTRIAL THERAPIST (SAFETY)  
INDIVIDUAL PROGRAM COORDINATOR (SAFETY)  
PSYCHIATRIC SOCIAL WORKER (HEALTH FACILITY)(SAFETY)  
PSYCHOLOGIST (HEALTH FACILITY-CLINICAL-SAFETY)  
PSYCHOLOGIST (HEALTH FACILITY-COUNSELING-SAFETY)  
PSYCHOLOGIST (HEALTH FACILITY-EDUCATIONAL-SAFETY)  
PSYCHOLOGIST (HEALTH FACILITY-EXPERIMENTAL-SAFETY)  
PSYCHOLOGIST (HEALTH FACILITY-SOCIAL-SAFETY)  
REHABILITATION THERAPIST, STATE FACILITIES (ART-SAFETY)  
REHABILITATION THERAPIST, STATE FACILITIES (DANCE-SAFETY)  
REHABILITATION THERAPIST, STATE FACILITIES (MUSIC-SAFETY)  
REHABILITATION THERAPIST, STATE FACILITIES (OCCUPATIONAL-SAFETY)  
REHABILITATION THERAPIST, STATE FACILITIES (RECREATION-SAFETY)

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SOCIAL WORK ASSOCIATE (SAFETY)  
PHYSICIAN AND SURGEON (SAFETY)  
STAFF PSYCHIATRIST (SAFETY)  
HOSPITAL WORKER (SAFETY)  
LICENSED VOCATIONAL NURSE (SAFETY)  
TEACHING ASSISTANT (SAFETY)  
(Hearing held July 6, 2000).

NO ACTION

4. JEANETTE DUTTON, CASE NO. 98-2550. Appeal from dismissal. Department of Corrections. (Oral argument held July 6, 2000).

NO ACTION

5. HEARING - COMPETITIVE CEA EXAMINATIONS  
EXISTING RULE 548.40 IS AMENDED TO COMPLY WITH THE FINDING  
IN ALEXANDER V SPB THAT CEA EXAMINATION CANDIDATES MUST BE  
RANKED AND COMPARED AGAINST THE RELEVANT QUALIFICATIONS FOR  
THE POSITION AND ALSO AGAINST EACH OTHER. (Hearing held  
July 6, 2000).

NO ACTION

**NOTICE OF GOVERNMENT CODE § 18671.1 RESOLUTION**

Since Government Code section 18671.1 requires that cases pending before State Personnel Board Administrative Law Judges (ALJ's) be completed within six months or no later than 90 days after submission of a case, whichever is first, absent the publication of substantial reasons for needing an additional forty-five days, the Board hereby publishes its substantial reasons for the need for the forty-five day extension for some of the cases now pending before it for decision.

An additional forty-five days may be required in cases that require multiple days of hearings, that have been delayed by unusual circumstances, or that involve any delay generated by either party (including, but not limited to, submission of written briefs, requests for settlement conferences, continuances, discovery disputes, pre-hearing motions). In such cases, six months may be inadequate for the ALJ to hear the entire case, prepare a proposed decision containing the detailed factual and legal analysis required by law, and for the State Personnel Board to review the decision and adopt, modify or reject the proposed decision within the time limitations of the statute.

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Therefore, at its next meeting, the Board will issue the attached resolution extending the time limitation by 45 days for all cases that meet the above criteria, and that have been before the Board for less than 6 months as of the date of the Board meeting.



**GOVERNMENT CODE § 18671.1 RESOLUTION**

**WHEREAS**, Section 18671.1 provides that, absent waiver by the appellant, the time period in which the Board must render its decision on a petition pending before it shall not exceed six months from the date the petition was filed or 90 days from the date of submission; and

**WHEREAS**, Section 18671.1 also provides for an extension of the time limitations by 45 additional days if the Board publishes substantial reasons for the need for the extension in its calendar prior to the conclusion of the six-month period; and

**WHEREAS**, the Agenda for the instant Board meeting included an item titled "Notice of Government Code § 18671.1 Resolution" which sets forth substantial reasons for utilizing that 45-day extension to extend the time to decide particular cases pending before the Board;

**WHEREAS**, there are currently pending before the Board cases that have required multiple days of hearing and/or that have been delayed by unusual circumstances or by acts or omissions of the parties themselves;

**NOW, THEREFORE, BE IT RESOLVED AND ORDERED** that the time limitations set forth in Government Code section 18671.1 are hereby extended an additional 45 days for all cases that have required multiple days of hearing or that have been delayed by acts or omissions of the parties or by unusual circumstances and that have been pending before the Board for less than six months as of the date this resolution is adopted.

\* \* \* \* \*

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I hereby certify that the State Personnel Board made and adopted the preceding resolution at its meeting on July 18, 2000.

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WALTER VAUGHN  
Executive Officer  
California State Personnel Board

VOTE: Bos, Alvarado, Elkins - Aye.